



Commune Concilium tent' in Camera *Guild-hall* Civitatis *London*, die Luna, undecimo de *Octobris*, Anno Domini millesimo sexcentesimo sexagesimo nono, Annoq; Regni Domini nostri *Carolus* Secundi, Dei gratia, *Angliæ*, *Scotiæ*, *Franciæ*, & *Hiberniæ* Regis, Fidei Defensoris, &c. vicesimo primo, coram *Willielmo Turner* Milite, Majore Civitatis *London*, *Samuele Starling* Milite, Majore Electo dictæ Civitatis, *Joanne Frederick* Milite, Aldermanno, *Joanne Robinson* Milite & Baronetto, Alderm' ac Locum-tenente *Turner* *London*, *Joanne Lawrence* & *Willielmo Peake* Militibus, Aldermannis, *Joanne Howel* Milite, Recordatore dictæ Civitatis, *Ricardo Ford* & *Will' Hooker*, Militibus & Aldermannis, *Joanne Forth*, *Francisco Chaplin*, *Daniel Forth*, *Will' Fluellin*, & *Joanne Randal*, Armig' Alderm', & *Jacobo Edwards* Armig' Alderm', ac uno Concilio Civitatis *London*, necnon majore parte Communiariorum de Communi Concilio ejusdem Civitatis tunc & ibidem assemblebat.

An Act for the better Regulation of the Courts of Law in the Guild-Hall, LONDON.



Whereas in the City of London there are Courts of Record holden of ancient Custom, and have cognizance of all Actions and Causes, both in Law and Equity, so that no Citizen need to go beyond the Walls of the said City for speedy Justice; which Courts have been in all times supplied with able Judges, many of which, for their Wisdom and Learning, have been adored with great Places of great Honour and Dignity within these Realms; And whereas the said KINGS and QUEENS of England, out of their great Care and Princely Respect to the Citizens of London, have from time to time confirmed to the said City divers excellent Privileges and Immunities, amongst which it is not the least, That no Citizen should plead, or be compelled to plead, any Cause without the Walls of the said City, but in some few Cases excepted; and that Pleas should be holden in Law, according to the Custom; and that none of the Freedom of the City should be impleaded at the Court of the King or elsewhere, by Bill, but of those things which concern the KING or his Heirs:

And whereas by several Acts of Common Council of this City, still in Force, it is enacted, That no Freeman shall implead another Freeman out of the City for any thing done within the City, in the Court of the Mayor and Aldermen, or in the Court of the Sheriffs, upon the Pains therein limited: and whereas every Freeman of the City shall maintain the same Franchises and Customs of the City, and that he shall implead or sue no Freeman out of the City, and yet nevertheless so it is, that of late years divers Citizens, of all qualities and degrees (forgetting the Statute in that behalf made) have commenced and do frequently commence their Actions in other Courts without this City, to the great Annoyance of the Citizens, whom to be thence removed by Writs, whereby the Courts of Justice within the City of London are not able to hear the said Actions, and the said Citizens, who are troubled in other Courts, to their very great Charge and

Be it Enacted by the said Lord Mayor, Aldermen and Commons in this present Session Council assembled, and by Authority of the same, that no Cause or Causeless either of the Sheriffs Courts be at any time hereafter, from and after the date hereunder joined, put off from Trial by Pretence of any such Continuance or Continuances, without reasonable cause to be shewed and allowed upon Oath before the Judge of the said Court, and upon payment of such Costs to the party thereby delayed as the Court shall see cause to tax and allow; And that no Clerk do henceforth presume to enter any Continuance in any Cause Summoned for Trial, without the Special Order and Directions of the Judge of the Court in that behalf and had, as aforesaid; and that no Fee be henceforth demanded, taken or allowance entred, or hereafter to be entred, as aforesaid, upon pain, that every Attorney so demanding, taking or receiving, shall for every such Offence, for the first time, forfeit the sum of five pounds, and for the second, to be finally discharged of and from his Place of Attorney in the said Sheriffs Courts. And to prevent the great Mischiefs now daily growing and increasing in the said Sheriffs Courts by reason of the continuances and delays in the same.

And to prevent the great mischief now daily growing and increasing in the said Sheriffs Courts by excessive Costs taxed upon Judgments there given by the consent for the most part of the Attornies of both sides, contrary to the usage of all former Ages, Be it Enacted by the said Lord Mayor, Aldermen and Commons in this Common Council assembled, and by Authority of the same, That no Bill of Costs, exceeding the sum of four and twenty shillings for the Trial of a Grand-Jury Cause, or exceeding the sum of twenty two shillings for the Trial of a Petit-Jury Cause, shall at any time hereafter charge the Client of either side: Nevertheless it shall and may be lawful for the Judges of the said Courts respectively, for good and reasonable cause shewed to them respectively by the Parties of either side, upon due examination of the circumstances of the Case, (in the presence of both Parties,) to increase the said Costs of Suit by their discretions, by Special Rule of Court to be entered for that purpose, expressing the cause why such Costs are so increased: And upon Complaint made by any person of greater Charges than as aforesaid, and producing the Bill under the Attornies hand, or other witnesses, that the respective Judges of the same Court punish the Offender, and relieve the party grieved, according to their good discretions and the Rules aforesaid: And that no Officer of either of the said Courts shall presume to make out Execution upon any Judgment, wherein the Costs of Suit shall exceed the sum aforesaid respectively, without such Special Rule as aforesaid to warrant the same, on pain to forfeit for his first Offense five pounds, to the relief of the Prisoners of that Compter wherein the Action shall be entered; and for the second Default, to be expelled the Court for ever.

And to prevent the daily abuses of the Serjeants and Women of the Sheriffs, sometimes in permitting persons arrested by them to go at large without bail, sometimes in keeping them in Ale-houses, or some other private places, and not returning the Process in due time (by which the parties were arrested) so that the Plaintiff is delayed, and the Prisoner by the Exortation of the said Serjeants and Woman, oftentimes put to a greater Expence than will discharge the original Cause of Action, and sometimes by discharging persons by them duly arrested, without causing the Actions wherein they were so arrested to be withdrawn, although they take money from the Defendant sufficient to do the same with, and sometimes in not duly returning Executions by them executed, or by discharging persons taken in Execution before Satisfaction be entered upon Record, whereby the said persons are oftentimes doubly charged for the same Debt, Be it therefore Enacted by the Authority aforesaid, That the Serjeants and Women of the said Sheriffs, and every of them, shall from time to time and at all times hereafter make due Returns into the said Sheriffs Courts of all the arrears of the said

Will Hooker, Militibus & Aldermannis, Joanne Forth, Francisco Chaplin, Darnell Forth, Will Fluellin, & Joanne Randal, Armig' Alderm', & Jacobo Edwards Armig' Alderm', ac uno Vicecomitum Civitatis London, necnon majore parte Communiariorum de Communi Concilio ejusdem Civitatis tunc & ibidem assemblat'.

An Act for the better Regulation of the Courts of Law in the Guild Hall, LONDON.



Whereas in the City of London there are Courts of Record holden of ancient Custom, that have cognizance of all Actions and Causes, both in Law and Equity, so that no Citizen need to go beyond the Walls of the said City for speedy Justice; which Courts have been in all times supplied with able Judges, many of which, for their Worth and Learning, have been advanced to Places of great Honour and Dignity within these Realms; And the KINGS and QUEENS of England, out of their great Care and Princely Respect to the Citizens of London, have from time to time, by their respective Charters, granted and confirmed to the said City divers excellent Privileges and Immunities, which have not been granted unto other Cities; amongst which it is not the least, That no Citizen should plead, or be compelled to plead, without the Walls of the said City, but in some few Cases excepted; and that Pleas should be holden in London, save Debts there made, according to ancient Custom; and that none of the Freedom of the City should be impleaded at the Court Quarter or elsewhere, by Bill, but of those things which concern the KING or his Heirs:

And whereas by several Acts of Common Council of this City, still in force, it is enacted, That no Freeman shall implead another Freeman out of the City for any thing done within the City, in the Sheriffs, upon the Peins therein limited: and whereas every Freeman the Franchises and Customs of the City he shall maintain, and that he shall implead or sue no Freeman out of the City, and yet nevertheless so it is, that of late years divers Citizens, of all qualities and degrees (forgetting the Rights and the Privileges of the said City) have commenced and do frequently commence their Actions in other Courts without this City, and have commenced within the same, do cause them to be thence removed by Writs, whereby the Courts of Justice within the City of London are not only troubled, but the said Citizens, as well for petty Causes and small Debts as great, are troubled in other Courts, to their very great Charge and Annoyance.

Be it Enacted by the said Lord Mayor, Aldermen and Commons in this present Session Council assembled, and by Authority of the same, that no Cause or Causes in either of the Sheriffs Courts be at any time hereafter, from and after the date hereof, put off from Trial by Sentence of any such Continuances entered or hereafter to be entered, by consent of the Attornies on either part, upon motion thereof made in open Court, and for some just and reasonable cause to be shewed and allowed upon Oath before the Judge of the same Court, and upon payment of such Costs to the party thereby delayed as the Court shall see cause to tax and allow; And that no Clerk do henceforth presume to enter any Continuance in any Cause summoned for Trial, without the special Order and Directions of the Judge of the Court in that behalf first had, as aforesaid; and that no Fee be henceforth demanded, taken or allowed, by or to any of the Attornies of the Sheriffs Courts aforesaid, for or in respect of the putting off of any Trial, under the pretence of such Continuance entered, or hereafter to be entered, as aforesaid, upon pain, that every Attorney so demanding, taking or receiving, shall for every such Offence, for the first time, forfeit the sum of five pounds, and for the second, to be finally discharged of and from his Place of Attorney in the said Sheriffs Courts.

And to prevent the great Displeasures now daily growing and increasing in the said Sheriffs Courts by excessive Costs taxed upon Judgments there given, by the consent for the most part of the Attornies of both sides, contrary to the usage of all former Ages, Be it Enacted by the said Lord Mayor, Aldermen and Commons in this Common Council assembled, and by Authority of the same, That no Bill of Costs, exceeding the sum of four and twenty Shillings for the Trial of a Grand Jury Cause, or exceeding the sum of twenty two Shillings for the Trial of a Petit Jury Cause, shall at any time hereafter charge the Client of either side: Nevertheless it shall and may be lawful for the Judges of the said Courts respectively, for good and reasonable cause shewed to them respectively by the Parties of either side, upon due examination of the circumstances of the Case, (in the presence of both Parties,) to increase the said Costs of Suit by their discretions, by special Rule of Court to be entered for that purpose, expressing the cause why such Costs are so increased: And upon Complaint made by any person of greater Charges than as aforesaid, and producing the Bill under the Attornies hand, or other Witness, that the respective Judges of the same Court punish the Offender, and relieve the party grieved, according to their good discretions and the Rules aforesaid: And that no Officer of either of the said Courts shall presume to make out Execution upon any Judgment, wherein the Costs of Suit shall exceed the sums aforesaid respectively, without such special Rule as aforesaid to warrant the same, on pain to forfeit for his first Offence five pounds, to the relief of the Prisoners of that Compter wherein the Action shall be entered; and for the second Default, to be expelled the Court for ever.

And to prevent the daily Abuses of the Serjeants and Promen of the Sheriffs, sometimes in permitting persons arrested by them to go at large without Bail, sometimes in keeping them in Ale-houses, or some other private places, and not returning the Process in due time (by which the parties were arrested) so that the Plaintiff is delayed, and the Prisoner by the Extortion of the said Serjeants and Promen, oftentimes put to a greater Expence than will discharge the original Cause of Action, and sometimes by discharging persons by them duly arrested, without causing the Actions whereon they were so arrested to be withdrawn, although they take money from the Defendant sufficient to do the same with, and sometimes in not duly returning Executions by them executed, or by discharging persons taken in Execution before Satisfaction be entered upon Record, whereby the said persons are oftentimes doubly charged for the same Debt; Be it therefore Enacted by the Authority aforesaid, That the Serjeants and Promen of the said Sheriffs, and every of them, shall from time to time and at all times hereafter make due Returns into the said Sheriffs Courts of all the Precepts of the said Courts to them to be directed at the next Court after the Execution of the same Precepts: and that all persons by them to be arrested by virtue of the said Precepts, or any of them, shall be either delivered upon good and sufficient Bail, or in default thereof, by him or them committed to some of the Prisons within the said City, at or before the next Court to be holden after such Arrest so to be made, to the end the party Plaintiff may proceed in his Action according to Law: and that none of the said Officers presume to discharge any person or persons so by him arrested, after Agreements made between the parties, till such time as the said Officer shall have caused either the Action to be withdrawn, or Satisfaction to be acknowledged on Record, as the Case shall require. And if any of the said Officers shall hereafter offend in any of the Cases aforesaid, and shall be thereof convicted by Examination of the Judge in open Court, upon complaint of the parties grieved, or in default thereof, by any other who shall inform the same, That then and in every such case, the said Officer or Officers so offending shall, for the first Offence be by the said Judge forthwith committed to the Compter, there to remain till he shall have paid down the sum of five pounds, the one moiety to the party grieved, or in default of Information to be given by him or them, as aforesaid, then to such other person or persons who shall inform the same to the said Court; over and besides such Remedy as the said party grieved may have by his or their Actions at Law against the said Officers or any of them, for any of the Defaults aforesaid; and the other moiety to the Relief of the poor Prisoners in such of the said Compters wherein the said Cause is or shall be entered: and if any of the said Officers, after he or they shall have been once convicted of any of the Offences aforesaid, shall presume to offend in any of the said cases the second time, and be thereof convicted, as aforesaid, That then and in every such case, the said Offender, over and above all other Penalties herein above limited and appointed, shall be ipso facto absolutely discharged from his said Office; and the Sheriffs of the City for the time being are hereby impowered and required to nominate and present to the Court of Aldermen some other sitting person, to be by them admitted in his or their places, as if the persons so offending and convicted as aforesaid, were naturally dead.

Provided always, that no Informer shall be any ways entitled to the moiety of the said five pounds, or any part thereof, unless the said Offender shall be convicted by the Evidence of one or more persons indifferent and unconcerned to the profit or prejudice coming by the Default of the said Officer.

Avery.